

**NORTH UNIT IRRIGATION DISTRICT
JEFFERSON COUNTY, OREGON
ORDINANCE NO. 2006-07**

An Ordinance regarding North Unit Irrigation District water rights in new partitions and subdivisions.

Recitals:

The Board of Directors of the North Unit Irrigation District (NUID), Jefferson County, Oregon, have determined that transfer of water rights from newly created partitions and subdivisions that are transferred after the partition or subdivision is created has caused difficulties in administering and transferring water rights.

Findings:

The Board of Directors has determined that it is impractical and costly to transfer water rights off the property after a partition or subdivision has been created. Therefore, where newly created partitions and subdivisions have NUID water rights that create a lot or parcel of five acres or less, NUID should require these landowners or developers ("Transferors") to determine what water rights will be transferred off the subject property or what water rights will remain. These designations shall be placed in the original plat or partition map. If certain water rights are to be transferred off the premises, then these water rights shall be transferred by an appropriate water right transfer pursuant to the laws of the State of Oregon and the policies of NUID, or shall be transferred to the NUID pursuant to the enclosed Bargain and Sale Deed or the Irrigation Contract and Bargain and Sale Deed.

Now therefore, be it resolved by the Board of Directors of the North Unit Irrigation District as follows:

1. Any newly created subdivision or partition that creates a parcel or lot of five acres or less, shall designate prior to NUID approving the final subdivision plat or partition plat or map, which of the water rights will remain upon the premises and which will be transferred off the premises.
2. If any water rights are to be transferred off the premises, the entire amount of water rights to be transferred within the entire subdivision or partitioned land shall be transferred in one application process prior to NUID's approval of the subdivision or partition plat or map.
3. If the water rights are to be transferred off the premises, the landowner or developer shall proceed prior to NUID approving the subdivision or partition plat or map, with a water rights transfer pursuant to State of Oregon law and NUID policies, or shall transfer said water rights to NUID pursuant to the Bargain and Sale Deed as described in Exhibit "A" attached hereto or the Irrigation Contract and Bargain and Sale Deed attached hereto as in Exhibit "B". If the transferor should decide to proceed with the Irrigation Contract for transfer and sale of water rights and the Bargain and Sale Deed, then the transferor shall pay all of the District's

assessments and charges, (including but not limited to construction, operation and maintenance, bond repayment, safety of dams, excess water and account charges upon the subject real property), plus a \$200.00 processing fee which may include assessments and charges for two water years. For example, if the Irrigation Contract is signed between April 1st and October 31st, then the transferor shall be responsible for the assessments and charges in the year the Irrigation Contract is entered into and for the subsequent year's assessments and charges. The second year assessments and charges shall be based on the current year's assessments and charges. If the Irrigation Contract is signed on November 1st through March 31st, then only the current year's assessments and charges are required to be paid.

If the Transferor immediately transfers the water rights to NUID by the Bargain and Sale Deed as described in Exhibit "A", then all delinquent and current year's assessments and charges shall be paid at the time of the execution of the Bargain and Sale Deed to the District.

If the transferor transfers the water rights to any entity other than NUID then the water transfer policies of the North Unit Irrigation District shall be in effect, including but not limited to, the requirements that all assessments and charges related to the real property shall be paid at the time of the transfer application.

The Transferor shall pay all Jefferson County Clerk's recording fees.

This ordinance replaces Ordinance No. 2006-02.

This ordinance shall take effect immediately upon its adoption by the Board of Directors.

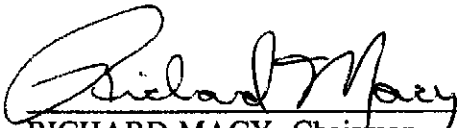
Adopted by the Board of Directors of North Unit Irrigation District at a regular meeting held on the 10th day of OCTOBER, 2006, by the following votes:

AYES: 5


NAYS: - 0 -

ABSENT: - 0 -

Approved this 10th day of OCTOBER, 2006.


RICHARD MACY, Chairman

ATTEST:


ROBERT RINGERING, Secretary-Manager